

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of

HAYNES et al

Serial No. 09/960,717

SEP 05 2002

Atty Dkt. 1579-599

C# M#

Group Art Unit: 1648

Examiner: Stucker, J.

Date: September 5, 2002

1648

Filed: September 24, 2001

Title: IMMUNOGEN

Assistant Commissioner for Patents

Washington, DC 20231

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SEP 09 2002

TECH CENTER 1600/2900

Sir:

RESPONSE/AMENDMENT/LETTER

This is a response/amendment/letter in the above-identified application and includes an attachment which is hereby incorporated by reference and the signature below serves as the signature to the attachment in the absence of any other signature thereon.

Fees are attached as calculated below:

Total effective claims after amendment 0 minus highest number
previously paid for 20 (at least 20) = 0 x \$ 18.00 \$ 0.00

Independent claims after amendment 0 minus highest number
previously paid for 3 (at least 3) = 0 x \$ 84.00 \$ 0.00

If proper multiple dependent claims now added for first time, add \$280.00 (ignore improper) \$ 0.00

Petition is hereby made to extend the current due date so as to cover the filing date of this paper and attachment(s) (\$110.00/1 month; \$400.00/2 months; \$920.00/3 months) \$ 0.00

Terminal disclaimer enclosed, add \$ 110.00 \$ 0.00

First/second submission after Final Rejection pursuant to 37 CFR 1.129(a) (\$740.00) \$ 0.00
 Please enter the previously unentered , filed
 Submission attached

Subtotal \$ 0.00

If "small entity," then enter half (1/2) of subtotal and subtract -\$ 0.00
 Applicant claims "small entity" status. Statement filed herewith

Rule 56 Information Disclosure Statement Filing Fee (\$180.00) \$ 0.00

Assignment Recording Fee (\$40.00) \$ 0.00

Other: 0.00

TOTAL FEE ENCLOSED \$ 0.00

The Commissioner is hereby authorized to charge any deficiency, or credit any overpayment, in the fee(s) filed, or asserted to be filed, or which should have been filed herewith (or with any paper hereafter filed in this application by this firm) to our Account No. 14-1140. A duplicate copy of this sheet is attached.

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NIXON & VANDERHYE P.C.
 By Atty: Mary J. Wilson, Reg. No. 32,955

Signature: Mary J. Wilson



#10
9/11/02

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re PATENT APPLICATION OF

HAYNES et al Atty. Ref.: 1579-599

Serial No.: 09/960,717 Group Art Unit: 1648

Filed: September 24, 2001 Examiner: Stucker, J.

For: IMMUNOGEN

* * * * *

September 5, 2002

RESPONSE

Hon. Commissioner of Patents
and Trademarks
Washington, DC 20231

Sir:

In response to the Examiner's requirement for restriction, set forth in the Office Action dated August 5, 2002, Applicants elect the subject matter of Group II (claims 16-18) for prosecution in this application. The election is made with traverse.

The Examiner is urged to reconsider the requirement for restriction at least as between the claims of Groups I (claims 1-15) and II. Clearly, a complete search of the immunogen of Group II (which comprises an HIV envelope protein bound to a ligand that upregulates at least one of the CD4 binding site and the CCR5 binding site on the protein, and an HR-2 peptide bound to the protein) would

necessitate a complete search of the subject matter of Group I. The claims of Group I, from which the claims of Group II depend, are also drawn to an immunogen, that immunogen comprises an HIV envelope protein bound to a ligand that upregulates at least one of the CD4 binding site and the CCR5 binding site on the protein. No undue burden would be placed on the Examiner from the standpoint of searching if claims 1-18 were to be considered together.

In addition, the Examiner is requested to reconsider the requirement for restriction as it relates to the method claim of Group III and to rejoin all of claims 1-19. Claim 19 relates to a method of using the immunogen of Group I to induce the production of neutralizing antibodies to HIV. The Examiner provides nothing by way of justification for restricting out this method of use and Applicants should be entitled to have considered in this application both the immunogen and a method of using same.

A reformatted restriction requirement is earnestly believed to be in order and same is requested.

Respectfully submitted,

NIXON & VANDERHYE, P.C.

By Mary J. Wilson
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